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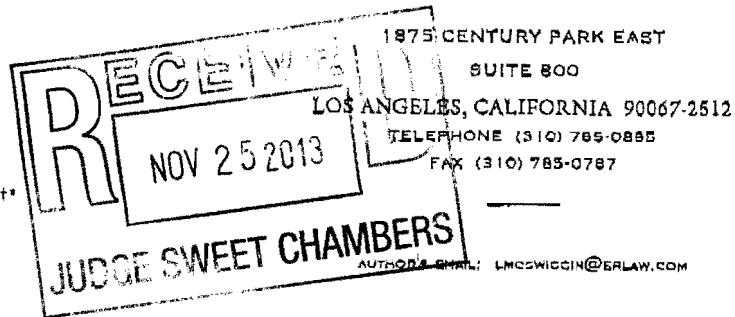
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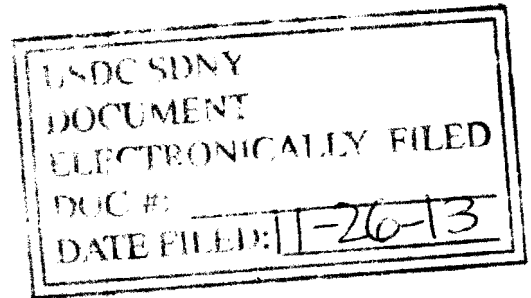
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November 25, 2013

VIA FACSIMILE (212.805.7925)

Hon. Robert W. Sweet
United States District Judge
U.S. DISTRICT COURT- SO. DISTRICT OF NEW YORK
500 Pearl Street
New York, NY 10007-1312



Re: *The Original Talk Radio Network v. Dial Global Inc.*
SDNY Case No.: 1:13-CV-03509-RWS
DOCKET ENTRY NO. 130

Dear Judge Sweet:

This letter represents the parties' joint notification of the dates selected for further briefing of the pending Motions to Dismiss in this Action. It further represents the parties' joint request that the Court vacate Docket Entry No. 130, which was signed on November 20, 2013, and schedules deadlines in March 2014 to complete fact discovery, file motions, submit a proposed pretrial order and conduct a Final Pretrial Conference in this case.

As discussed in the Status Conference on November 20, 2013, this Action was transferred from the Central District of California with two Motions to Dismiss still pending. Initial Disclosures under Rule 26(a) have not been made. As discussed in the Initial Report of Parties Before Pretrial Conference¹ (a copy of which is enclosed) the Defendants requested a ruling on the Motions to Dismiss prior to commencing discovery. The Plaintiffs submitted suggested deadlines for fact discovery, motions and a pretrial conference, all of which were well beyond March 2014. The Defendants believe the Motions to Dismiss will, at the very least, substantially change the nature of the lawsuit by removing the antitrust causes of action and leaving only breach of contract causes of action. Thus, the outcome of those motions could potentially negate the need for antitrust discovery, which is particularly costly.

¹ This report was submitted pursuant to Section I.A of the Pilot Project Standing Order for Complex Civil Cases in the Southern District of New York. (Docket No. 102.)

S. ordered
Sweet VSAW
11.25.13

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During the Status Conference on November 20, 2013, the Court acknowledged that the Motions to Dismiss should proceed first and ordered the parties to submit an agreed-upon briefing schedule. The parties stated that they would update the Motions with Second Circuit law, because they were filed prior to the transfer of this action and therefore were briefed under Ninth Circuit law. The parties have now agreed upon a briefing schedule, which is: motions to be filed on or before December 18, 2013, oppositions to be filed on or before January 15, 2014; replies to be filed on or before January 29, 2014; and the hearing scheduled on February 26, 2014.

It was parties' understanding at the Status Conference that the Motions to Dismiss would be briefed and ruled upon first and discovery would not commence until the Court had done so. As such, there was no discussion concerning discovery and related deadlines. In light of the timing of the hearings on the Motions to Dismiss, the number of parties involved and the fact that this action is presently styled as an antitrust case, we do not believe that the March 2014 deadlines for the completion of fact discovery, motions and the pretrial conference are feasible. Therefore, the parties respectfully request that the Court vacate Docket Entry No. 130.

Respectfully submitted,


Laura E. McSwiggin – lmcswiggin@erlaw.com

Encl: Intial Pretrial Case Management Report (Dkt. 128)

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